
HOUSE BILL No. 1267

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-18-10-2; IC 15-17.

Synopsis: Disposal of animal carcasses. Requires the state board of animal health (board) to approve standards for each of the permissible methods for disposal of the body of a dead animal. Prohibits disposal activities within 500 feet of a body of water or in a flood plain or floodway. Requires the development by a person who owns or cares for animals in the ordinary course of business of a disposal plan for each of the permissible methods of disposal and of an emergency disposal plan, and requires submission of the plans to: (1) the board; and (2) the department of environmental management if the person applies for approval of the construction or expansion of a confined feeding operation. Provides that a new business that is required to submit plans to the board must submit the plans before beginning operations. Requires the board to impose a penalty for violation of the animal disposal restrictions.

Effective: July 1, 2010.

Cheatham

January 12, 2010, read first time and referred to Committee on Agriculture and Rural Development.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1267

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-18-10-2, AS AMENDED BY P.L.127-2009,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 2. (a) Application for approval under section 1 of
4 this chapter of the construction or expansion of a confined feeding
5 operation must be made on a form provided by the department. An
6 applicant must submit the completed application form to the
7 department together with the following:

8 (1) Plans and specifications for the design and operation of
9 manure treatment and control facilities.

10 (2) A manure management plan that outlines procedures for the
11 following:

12 (A) Soil testing.

13 (B) Manure testing.

14 (3) Maps of manure application areas.

15 (4) Supplemental information that the department requires,
16 including the following:

17 (A) General features of topography.

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(B) Soil types.

(C) Drainage course.

(D) Identification of nearest streams, ditches, and lakes.

(E) Location of field tiles.

(F) Location of land application areas.

(G) Location of manure treatment facilities.

(H) Farmstead plan, including the location of water wells on the site.

(5) A fee of one hundred dollars (\$100). The department shall refund the fee if the department does not make a determination in accordance with the time period established under section 2.1 of this chapter.

(6) A copy of any plan the applicant is required to maintain under one (1) or more of the following:

(A) IC 15-17-11-20(e)(3).

(B) IC 15-17-11-20(f)(3).

(C) IC 15-17-11-20(g)(7).

(D) IC 15-17-11-20(h).

(b) An applicant who applies for approval under section 1 of this chapter to construct or expand a confined feeding operation on land for which a valid existing approval has not been issued shall make a reasonable effort to provide notice not more than ten (10) working days after submitting an application:

(1) to the county executive of the county in which the confined feeding operation is to be located or expanded; and

(2) to each owner and each occupant of land of which any part of the boundary is one-half (1/2) mile or less from the following:

(A) Any part of the proposed footprint of either or both of the following to be located on the land on which the confined feeding operation is to be located:

(i) A livestock or poultry production structure.

(ii) A permanent manure storage facility.

(B) Any part of the proposed footprint of either or both of the following to be located on the land on which the confined feeding operation is to be expanded:

(i) A livestock or poultry production structure.

(ii) The expanded area of a livestock or poultry production structure.

The notice must be sent by mail, be in writing, include the date on which the application was submitted to the department, and include a brief description of the subject of the application. The applicant shall pay the cost of complying with this subsection. The applicant shall

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submit an affidavit to the department that certifies that the applicant has complied with this subsection.

(c) Plans and specifications for manure treatment or control facilities for a confined feeding operation must secure the approval of the department. The department shall approve the construction or expansion and the operation of the manure management system of the confined feeding operation if the commissioner determines that the applicant meets the requirements of:

- (1) this chapter;
- (2) rules adopted under this chapter;
- (3) the water pollution control laws;
- (4) rules adopted under the water pollution control laws; and
- (5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations.

SECTION 2. IC 15-17-11-20, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 20. (a) A person who owns or cares for an animal that has died from any cause shall dispose of the animal's body not later than twenty-four (24) hours after knowledge of death so as not to produce a nuisance. Subject to ~~subsection~~ **subsections (b) through (h)**, the disposal of the animal's body must be by one (1) of the following methods **according to standards approved by the board:**

- (1) At an approved disposal plant.
- (2) Burial upon the owner's premises to such a depth that every part of the animal's body is at least four (4) feet below the natural surface of the ground and every part of the animal's body is covered with at least four (4) feet of earth in addition to any other material that may be used as cover.
- (3) Thorough and complete incineration. ~~according to standards established by an appropriate governmental agency.~~
- (4) Composting. ~~according to standards approved by the board.~~

(b) The board may adopt rules to allow alternate methods for the safe, orderly, and efficient disposal of dead animals.

(c) The board may adopt rules and issue orders restricting the use of the disposal methods described in subsection (a) to control disease.

(d) A person referred to in subsection (a) may not temporarily store the animal's body pending disposal, bury the animal's body on the owner's premises under subsection (a)(2), incinerate the animal's body on the owner's premises under subsection (a)(3), or compost the animal's body on the owner's premises under subsection (a)(4), at a location that:

- (1) is within five hundred (500) feet of a body of water; or**

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(2) is in a flood plain (as defined in IC 14-8-2-99) or floodway
(as defined in IC 14-8-2-102).

(e) The standards approved by the board under subsection (a)
for disposal on the owner's premises under subsection (a)(2) must
require at least the following:

- (1) A burial location that complies with subsection (d).
- (2) Identification of the soil type at the burial location.
- (3) Subject to subsections (h) and (i), that a person who
regularly in the ordinary course of business buries animals as
described in subsection (a)(2) shall maintain a detailed animal
burial plan that includes at least the following:

(A) A site map of the person's property that shows all
locations for:

- (i) burial of the bodies of dead animals; and
- (ii) storage of the bodies of dead animals pending burial.

(B) The manner in which burial is carried out.

(f) The standards approved by the board under subsection (a)
for disposal on the owner's premises under subsection (a)(3) must
require at least the following:

- (1) An incineration location that complies with subsection (d).
- (2) Identification of the soil type at the incineration location.
- (3) Subject to subsections (h) and (i), that a person who
regularly in the ordinary course of business incinerates
animals as described in subsection (a)(3) shall maintain a
detailed animal incineration plan that includes at least the
following:

(A) A site map of the person's property that shows all
locations for:

- (i) incineration of the bodies of dead animals; and
- (ii) storage of the bodies of dead animals pending
incineration.

(B) The manner in which incineration is carried out.

(g) The standards approved by the board under subsection (a)
for disposal on the owner's premises under subsection (a)(4) must
require at least the following:

- (1) A completely walled composting area.
- (2) A perimeter fence for the composting area that is of
sufficient strength and height to keep wildlife out of the area.
- (3) The installation of locks on:
 - (A) all doors to the composting area; and
 - (B) all gates to the perimeter fence.
- (4) That all doors to the composting area and all gates to the

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perimeter fence must be locked during use of the area for composting.

(5) A composting location that complies with subsection (d).

(6) Identification of the soil type at the composting location.

(7) Subject to subsections (h) and (i), that a person who regularly in the ordinary course of business carries out composting under subsection (a)(4) shall maintain a detailed animal composting plan that includes at least the following:

(A) A site map of the person's property that shows all locations for:

(i) composting of the bodies of dead animals; and

(ii) storage of the bodies of dead animals pending composting.

(B) The manner in which the requirements of subdivisions (1) through (5) are met.

(h) Subject to subsection (i), a person who regularly in the ordinary course of business owns or cares for animals shall maintain a detailed emergency disposal plan for the disposal of the bodies of animals in the event that all of the animals owned or cared for by the person die or that animals die in unusually large numbers. The plan must include at least the following:

(1) Identification of a location for temporary storage of the bodies that complies with subsection (d).

(2) The extent to which the person plans to dispose of the bodies under each of the methods listed in subsection (a).

(3) The manner in which the disposal of all of the bodies can be accomplished using the methods listed in subsection (a) while meeting the requirements of this section.

(4) If disposal of any of the bodies is planned under subsection (a)(1), the name and location of the approved disposal plant.

(i) A person required to maintain one (1) or more plans under subsection (e)(3), (f)(3), (g)(7), or (h) shall, upon completion of the plan or plans, submit the plan or plans to the board.

(j) A person who:

(1) plans to own or care for animals as part of a business operation that the person plans to begin after June 30, 2010; and

(2) is required to maintain one (1) or more plans for the business under subsection (e)(3), (f)(3), (g)(7), or (h);

may not begin the operation of the business before the person complies with subsection (i).

SECTION 3. IC 15-17-18-12, AS ADDED BY P.L.2-2008,

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1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2010]: Sec. 12. (a) This section does not apply to IC 15-17-5
 3 or IC 15-18-1.

4 (b) **Subject to subsection (c)**, a person who violates this article, a
 5 rule adopted under this article, or a determination or order of the board
 6 or an agency made under this article is liable for a penalty not to
 7 exceed twenty-five thousand dollars (\$25,000) for each day of the
 8 violation, plus payment to the board for the costs incurred by the board
 9 as a direct consequence of prosecution for the violation. These
 10 penalties and costs may be recovered in a civil action commenced in
 11 any court of competent jurisdiction by the board or an agency. In
 12 addition, in an action to recover the penalty, a request may be made
 13 that the person be enjoined from continuing the violation.

14 (c) **The board shall impose a penalty under subsection (b) on a**
 15 **person who violates either or both of the following:**

16 (1) **IC 15-17-11-20.**

17 (2) **A rule adopted under IC 15-17-11-20.**

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